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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) Case No.: SA10-080 M  
12 Plaintiff, )  
13 vs. ) ORDER OF DETENTION  
14 )  
15 KENNETH MASONER, )  
16 Defendant. )

J.

18 A. ( ) On motion of the Government in a case allegedly involving:

19 1. ( ) a crime of violence.

20 2. ( ) an offense with maximum sentence of life imprisonment or death.

21 3. ( ) a narcotics or controlled substance offense with maximum sentence

22 of ten or more years.

23 4. ( ) any felony - where defendant convicted of two or more prior

24 offenses described above.

25 5. ( ) any felony that is not otherwise a crime of violence that involves a

26 minor victim, or possession or use of a firearm or destructive device

27 or any other dangerous weapon, or a failure to register under 18

28 U.S.C. § 2250.

1 B. (X) On motion by the Government/( ) on Court's own motion, in a case  
2 allegedly involving:  
3 (X) On the further allegation by the Government of:  
4 1. (X) a serious risk that the defendant will flee.  
5 2. ( ) a serious risk that the defendant will:  
6 a. ( ) obstruct or attempt to obstruct justice.  
7 b. ( ) threaten, injure or intimidate a prospective witness or  
8 juror, or attempt to do so.  
9 C. The Government ( ) is/(X) is not entitled to a rebuttable presumption that no  
10 condition or combination of conditions will reasonably assure the defendant's  
11 appearance as required and the safety of any person or the community.

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13 **II.**

14 A. (X) The Court finds that no condition or combination of conditions will  
15 reasonably assure:  
16 1. (X) the appearance of the defendant as required.  
17 (X) and/or  
18 2. (X) the safety of any person or the community.  
19 B. ( ) The Court finds that the defendant has not rebutted by sufficient evidence  
20 to the contrary the presumption provided by statute.

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22 **III.**

23 The Court has considered:

24 A. (X) the nature and circumstances of the offense(s) charged, including whether  
25 the offense is a crime of violence, a Federal crime of terrorism, or involves  
26 a minor victim or a controlled substance, firearm, explosive, or destructive  
27 device;  
28 B. (X) the weight of evidence against the defendant;

1 C. (X) the history and characteristics of the defendant; and  
2 D. (X) the nature and seriousness of the danger to any person or the community.

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4 **IV.**

5 The Court also has considered all the evidence adduced at the hearing and the  
6 arguments and/or statements of counsel, and the Pretrial Services  
7 Report/recommendation.

8

9 **V.**

10 The Court bases the foregoing finding(s) on the following:

11 A. (X) As to flight risk: Defendant's lack of bail resources and use of aliases or  
12 name variations.

13 B. (X) As to danger: The nature of the charged offense and his extensive criminal  
14 history.

15 **VI.**

16 A. ( ) The Court finds that a serious risk exists the defendant will:  
17 1. ( ) obstruct or attempt to obstruct justice.  
18 2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.

19 B. The Court bases the foregoing finding(s) on the following:

20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_

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24 **VI.**

25 A. **IT IS THEREFORE ORDERED** that the defendant be detained prior to trial.  
26 B. **IT IS FURTHER ORDERED** that the defendant be committed to the custody of  
27 the Attorney General for confinement in a corrections facility separate, to the  
28 extent practicable, from persons awaiting or serving sentences or being held in

1 custody pending appeal.

2 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
3 opportunity for private consultation with counsel.

4 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on  
5 request of any attorney for the Government, the person in charge of the  
6 corrections facility in which defendant is confined deliver the defendant to a  
7 United States marshal for the purpose of an appearance in connection with a court  
8 proceeding.

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10 Dated: March 25, 2010

11 /s/ Arthur Nakazato

12 ARTHUR NAKAZATO  
13 UNITED STATES MAGISTRATE JUDGE

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